

4. Petitioner alleges:

- A. The type of lien sought to be foreclosed is a Home Equity Loan under art. XVI, section 50(a)(6) of the Texas Constitution. The lien is indexed at CLERK'S FILE NO. Z198524 and recorded in the real property records of HARRIS County, Texas.
- B. Petitioner has authority to seek foreclosure of the lien because Petitioner is the holder of the note and beneficiary of the deed of trust.
- C. The name of each Respondent obligated to pay the underlying debt or obligation evidenced by the loan agreement, contract, or lien encumbering the property sought to be foreclosed is LEEROY M. MYERS.
- D. The name of each Respondent who is a mortgagor of the lien instrument sought to be foreclosed, but who is not a maker or assumer of the underlying debt is BARBARA C. MYERS.
- E. As of September 25, 2015:
 - (i) 75 regular monthly payments have not been paid. The amount required to cure the default is \$58,432.05. According to Petitioner's records, all lawful offsets, payments, and credits have been applied to the account in default.
 - (ii) The total amount to pay off the loan agreement, contract, or lien is \$77,252.13.
- F. Notice to cure the default has been sent by certified mail to each Respondent who is obligated to pay the underlying debt or obligation. The opportunity to cure has expired.
- G. Before this application was filed, any other action required to initiate a foreclosure proceeding by Texas law or the loan agreement, contract, or lien sought to be foreclosed was performed.

5. Legal action is not being sought against the occupant of the property unless the

occupant is named as a Respondent in this application.

- 6. If Petitioner obtains a court order, Petitioner will proceed with foreclosure of the property in accordance with the applicable law and the terms of the loan agreement contract, or lien sought to be foreclosed.**
- 7. The following documents are attached to this application:**
 - A. An affidavit or declaration of material facts describing the basis for foreclosure.**
 - B. The note and deed of trust establishing the lien.**
 - C. The assignment of the lien recorded in the real property records of the county where the property is located or other pertinent instruments, if any.**
 - D. A copy of each default notice required to be mailed to any Respondent under Texas law and the loan agreement, contract, or lien sought to be foreclosed, and the USPS Tracking Report and/or other proof demonstrating that a notice was sent by certified mail before this application was filed.**
- 8. Assert and protect your rights as a member of the armed forces of the United States. If you or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to Petitioner or Petitioner's attorney immediately.**

9. *Prayer for Relief.* Petitioner seeks an expedited order under Rule 736 so that it may proceed with foreclosure in accordance with applicable law and terms of the loan agreement, contract, or lien sought to be foreclosed.

Respectfully submitted,

By: 

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